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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 DREAM COLLECTIVE, INC.,) CV 15-07871-RSWL-JPR
12 Plaintiff,)
13 v.) ORDER Re: *Ex Parte*
14 MADEWELL, INC., et al.,) Application to Extend
15 Defendants.) Time to Respond More
16) Than 30 Days Pursuant to
17) Stipulation [12]
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18 Currently before the Court is Plaintiff Dream
19 Collective, Inc.'s ("Plaintiff") *Ex Parte* Application
20 to Extend Time to Respond More Than 30 Days Pursuant to
21 Stipulation [12] ("*Ex Parte* Application"), in which
22 Plaintiff requests an extension of time for Defendants
23 Madewell, Inc., J. Crew, Inc., J. Crew Group, Inc., and
24 Maurice Max, Inc. D/B/A Lee Angel (collectively
25 "Defendants") to file Answers to the Complaint so that
26 the parties may continue settlement discussions. Pl.'s
27 *Ex Parte* Appl. 1:21-26.

28 Having reviewed all papers submitted pertaining to

1 the *Ex Parte* Application, the Court hereby **GRANTS**
2 Plaintiff's *Ex Parte* Application.

3 Although the Court grants Plaintiff's *Ex Parte*
4 Application, it reminds Plaintiff that *ex parte*
5 applications are for extraordinary relief. The
6 granting of an *ex parte* application is proper only if
7 (1) the moving party's cause will be irreparably
8 prejudiced if the underlying motion is heard according
9 to regular noticed motion procedures and (2) the moving
10 party is "without fault in creating the crisis that
11 requires *ex parte* relief, or that the crisis occurred
12 as a result of excusable neglect." Mission Power Eng'g
13 Co. v. Continental Cas. Co., 883 F. Supp. 488, 492
14 (C.D. Cal. 1995).

15 Plaintiff has failed to demonstrate that it is
16 without fault in creating the present "crisis"
17 requiring *ex parte* relief. Plaintiff offers no
18 explanation as to why it waited until the day of
19 Defendants' response deadline to file the instant *Ex*
20 *Parte* Application. "Ex parte applications are not
21 intended to save the day for parties who have failed to
22 present requests when they should have." Mission Power
23 Eng'g Co. v. Continental Cas. Co., 883 F. Supp. 488,
24 493 (C.D. Cal. 1995). The Court advises Plaintiff
25 against improperly seeking *ex parte* relief in the
26 future.

27 In any case, good cause appearing, the Court **GRANTS**
28 Plaintiff's *Ex Parte* Application [12].

1 **IT IS HEREBY ORDERED** that the deadline for
2 Defendants to file their Answers to the Complaint in
3 this matter is extended to **January 13, 2016**.

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5 **IT IS SO ORDERED.**

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7 DATED: December 16, 2015

8
9 s/ RONALD S.W. LEW

10 **HONORABLE RONALD S.W. LEW**

11 Senior U.S. District Court Judge
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